



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Building
26 Federal Plaza, Floor 37
New York, New York 10278

May 12, 2024

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
40 Foley Square
Southern District of New York
New York, New York 10007

USDC SDNY
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Re: *United States v. Beatriz Colon, 95 Cr. 789 (ALC)*

Dear Judge Carter:

The Government writes to request a 45-day extension of the Government's opposition brief deadline in the above-captioned case, which would make the new opposition deadline **Thursday, July 4**. The Government also requests that the Court set a deadline for petitioner Beatriz Colon's ("Petitioner") reply brief of **August 5, 2024**. Counsel for Petitioner consents to this request.

On February 29, 2024, Petitioner filed under seal a petition for a writ of error *coram nobis*, which seeks to vacate Petitioner's 1997 conviction on the bases that (1) she received ineffective assistance of counsel from Mr. Kenneth Kase (her plea-stage counsel) and Ms. Bobbi Sternheim (her sentencing-stage counsel), and (2) her plea was not knowing and voluntary. On March 19, 2024, the Court ordered Petitioner to file an attorney-client privilege waiver form and ordered that the Government would have 60 days from receipt of that form to obtain an affidavit from Ms. Sternheim and to file its opposition. (Dkt. 39.) On March 21, 2024, Petitioner filed an attorney-client privilege waiver form. (Dkt. 40.) Accordingly, the Government's opposition is due on May 20, 2024.

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The Government requests this 45-day extension to allow it to adequately review the petition, its support, and related records. The petition challenges a 27-year-old conviction on two separate legal grounds. It is supported by a 47-paragraph statement of facts, which itself is supported by a 53-paragraph affidavit submitted by Petitioner and a 20-paragraph affidavit from Petitioner's sister. Furthermore, the Government has recently received voluminous files regarding Petitioner's immigration proceedings. Review of these files, which are substantial, will likely inform the Government's view regarding the timeliness of the instant petition. As noted above, counsel for Petitioner consents to this request.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

by: 
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Assistant United States Attorney
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The application is **GRANTED**.

So Ordered.


5/14/24